

From: Jay Lieske
To: Microsoft Settlement
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Subject: Microsoft Settlement

To Whom It May Concern--

The following is my Tunney Act comments to the Microsoft antitrust settlement.

I do not think that the proposed antitrust settlements with Microsoft -- neither the Dept. of Justice's nor the States' proposals -- goes far enough to remedy Microsoft's monopolistic behavior. There are far too many legal loopholes in the document, so that Microsoft will not have to modify its behavior.

Instead, I believe the best remedy is to force total disclosure of all programming interfaces (APIs), file formats, and network protocols, used in the major, market-leading Microsoft products (including Microsoft Windows, Microsoft Office, Microsoft Internet Explorer, and Microsoft Media Player), so that a third party can create a fully-compatible version of one or more of these products by following the same interfaces, formats, and protocols. There must be no omission from the disclosures, as would be allowed under the proposed settlement.

The key to Microsoft's monopoly is that old customers have become locked-in to the Microsoft products. For example, producers of third-party desktop operating systems cannot compete with Microsoft, because the 3rd party OSs would be incompatible with the software written for Microsoft Windows. But if Microsoft were forced to open up the interfaces, formats, and protocols of Windows, the market would become open, and other competitors could come out with new OSs: perhaps one company could come out with a more secure OS, and another company could sell a more user-friendly OS. Then the companies, Microsoft included, would all be competing in an open market, with customers able to choose the best product based on features and services.

Additionally, it is important to remove any language in the settlement that only regards commercial competitors or customers of Microsoft. Many of the products that compete with Microsoft come from the non-commercial world, often created through volunteer labor. Microsoft must also be forced to compete with such products in the same open market as with commercial products.

Thank you for listening,
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